

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
BRUCE D. SORENSEN,	:	
RESPONDENT.	:	

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The parties to this proceeding for the purposes of Wis. Stats.  
sec. 227.16 are:

Bruce D. Sorensen  
609 Walter Street  
Spooner, Wisconsin 54801

Pharmacy Examining Board  
1400 East Washington Avenue, Room 176  
P.O. Box 8936  
Madison, Wisconsin 53708

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue, Room 183  
P.O. Box 8936  
Madison, Wisconsin 53708

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Bruce D. Sorensen.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin Pharmacy Examining Board.

A Notice of Hearing and Complaint were filed in the above-captioned matter on June 22, 1981. On March 30, 1982 a Stipulation was filed setting forth Findings of Fact and Conclusions of Law agreed upon between the parties. A proposed decision was filed by the examiner on June 30, 1982.

Based upon the entire record in this matter, the State of Wisconsin Pharmacy Examining Board makes the following:

### FINDINGS OF FACT

1. Bruce D. Sorensen (Sorensen) was at all times material to the proceeding, duly licensed under the provisions of Chapter 450 of the Wisconsin Statutes to practice as a registered pharmacist in the State of Wisconsin.
2. Sorensen's pharmacy license is number 63503 and was granted on April 3, 1954.
3. Sorensen's address is 609 Walter Street, Spooner, Wisconsin 54801.
4. At all times material to this proceeding, Sorensen was employed as a pharmacist at the Red Cross Pharmacy in Spooner, Wisconsin.
5. On or about June 21, 1976 at Red Cross Pharmacy, Sorensen filled prescription number 643097, written by Dr. Richard L. Hartzell for William Cloakey, a patient.
6. A copy of the prescription is attached as Exhibit A.
7. The following did not appear on the prescription at the time Sorensen received the prescription on or about June 21, 1976:
  - a. The word "Septra" which is printed and underlined on the left side of the prescription.
  - b. The word "synthroid" which is written and has been crossed-out on the middle of the prescription.
  - c. The price calculation on the right side of the prescription.
8. Sorensen incorrectly filled the prescription by dispensing Synthroid in a 0.5 mg dosage, QID.
9. The error was a good faith error and Sorensen believed at the time the prescription was filled that the prescription was being filled properly. Prior to filling the prescription, Sorensen consulted with another pharmacist on duty at Red Cross Pharmacy to confirm his reading and interpretation of the prescription. The other pharmacist, David Hopp, agreed with Sorensen as to the interpretation of the prescription and as it was ultimately filled by Sorensen.
10. In June of 1976, the drug Septra was a relatively new drug on the market and available in only one dosage. Prescriptions from physicians in 1976 for said drug frequently contained only the word "Septra" and did not contain a dosage weight. The standard and recommended dosage was 2 BID.
11. Attached as Exhibits B and C are photocopies of portions of the Physician's Desk Reference, 1976 edition, regarding Septra and Synthroid.

12. On April 14, 1980, Red Cross Pharmacy pharmacist David H. Hopp dispensed and sold four ounces of Cheracol, a Schedule V controlled substance, to William Miraglia of Hayward, and on April 15, 1980, Sorensen dispensed and sold four ounces of Robitussin A-C, a Schedule V controlled substance, to William Miraglia of Hayward, all without authorization of a physician, dentist or veterinarian.

13. On May 12, 1980, Sorensen dispensed and sold four ounces of Novahistine D.H. and four ounces of Terpin Hydrate and Codeine Elixir, both Schedule V controlled substances, to Susan J. Listi of Webb Lake, Wisconsin, all without authorization of a physician, dentist or veterinarian.

14. On September 25, 1980, Sorensen dispensed and sold four ounces of Terpin Hydrate and Codeine Elixir and four ounces of Parepectolin, both Schedule V controlled substances, to Ione Becker, Route 1, Minong, all without the authorization of a physician, dentist or veterinarian.

15. As to the sale described in paragraph 12, above, Sorensen signed the register as to the sale of Robitussin A-C without being aware that there was a prior sale the previous day to William Miraglia, and inadvertently, in good faith and with no intent or knowledge of a violation taking place, missed seeing William Miraglia's name on the register indicating a sale to him the previous day.

16. As to the sale described in paragraph 13, above, Sorensen advised Susan Listi that he was unable to sell her four ounces of Novahistine D.H. and four ounces of Terpin Hydrate and Codeine Elixir at the same time. Ms. Listi said she was purchasing these for two persons in her family and that one could not take Novahistine D.H. and the other could not take the Terpin Hydrate. She further stated that it was a 70-mile round trip to her home. Susan Listi was no stranger to Sorensen, he knew her as a customer and had no reason to disbelieve her. Under these circumstances, the sale was made.

17. As to the sale described in paragraph 14, above, Sorensen was acquainted with Ione Becker of Route 1, Minong, Wisconsin, which is approximately 20 miles north of Spooner, Wisconsin. Ms. Becker explained to Sorensen that one of the substances was for herself and the other for her somewhat invalid mother, over 80 years of age, who resided with Ione Becker. Under these circumstances, the sale was made.

18. On two occasions on or about March 19, 1980, Sorensen dispensed prescriptions numbered 800960 and 800969 for Schedule IV drugs under the Wisconsin Uniform Controlled Substances Act without initialling and dating the prescriptions as of the dates dispensed.

19. On fifteen occasions, from April 15, 1980 to May 15, 1980, Sorensen dispensed prescriptions number 001146, 001150, 001151, 001152, 001156, 001157, 001158, 001164, 001165, 001168, 001169, 001170, 001173, 001183 and 001189, all for Schedule II drugs under the Wisconsin Uniform Controlled Substances Act, without initialling and dating the prescriptions as of the dates dispensed. As to prescription number 001186, the complaint is amended to exclude such prescription as the same was not filled by Sorensen.

20. As a pattern of routine conduct, between May 27, 1977 and October 3, 1978, Sorensen filled and dispensed original and refill prescriptions for drugs listed in Schedule II of the Wisconsin Controlled Substances Act pursuant to oral orders of practitioners in the absence of emergency situations.

21. Prior to and during 1978, it was common practice in rural northwestern Wisconsin for certain physicians to order Schedule II drugs by telephone in non-emergency situations. In the fall of 1978, Sorensen consulted with several physicians in the Spooner and Shell Lake, Wisconsin, area to explain to these physicians the law applicable to Schedule II drugs. Subsequent to the fall of 1978, Sorensen has neither accepted nor filled any oral Schedule II prescriptions in non-emergency situations.

#### CONCLUSIONS OF LAW

1. The Pharmacy Examining Board has jurisdiction to take disciplinary action in this proceeding, pursuant to Section 450.02(7)(a), Wisconsin Statutes.

2. By dispensing a drug containing an ingredient other than specified by the person prescribing the drug, as described in paragraphs 5 through 8 of the Findings of Fact, Sorensen has violated Section 450.02(7)(b)(2), Wisconsin Statutes.

3. By allowing a person to purchase more than four ounces of a Schedule V controlled substance within a 48-hour period, contrary to Section 161.23(5), Wisconsin Statutes, as described in paragraphs 12 through 16 of the Findings of Fact, Sorensen has violated Wisconsin Administrative Code Section Phar 5.03(3).

4. By failing to initial and date prescriptions as described in paragraphs 18 and 19 of the Findings of Fact, Sorensen has violated Wisconsin Administrative Code Section Phar 6.05(2).

5. By filling prescriptions for Schedule II controlled substances pursuant to oral orders of practitioners, as set forth in paragraph 20 of the Findings of Fact, Sorensen has violated Wisconsin Administrative Code Section Phar 6.05(4) and Phar 6.06(1).

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the respondent BRUCE D. SORENSEN, shall be and hereby is REPRIMANDED.

#### EXPLANATION OF VARIANCE

After reviewing the record in this matter, including the objections filed by the respondent and hearing oral argument by the parties, the Pharmacy Examining Board acted to vary the proposed decision of the examiner by substituting an order reprimanding the respondent for the 90 day suspension proposed by the examiner. The Findings of Fact and Conclusions of Law are as proposed by the examiner.

The reasons for this variance are the strong mitigating circumstances expressed in paragraphs 9, 10, 15, 16, 17, and 21 of the Findings of Fact.

Without the mitigating circumstances present here, the violations by the respondent would warrant serious disciplinary action by way of a lengthy suspension. The circumstances of the violations in this case, however, do not include bad faith, or intent to harm. Neither a present public danger from respondent's practice nor a need for rehabilitation were urged as a basis for discipline. Deterrence is served by a reprimand of the respondent.

Dated this 14<sup>th</sup> day of July, 1982.

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

By: Paul G. Bjerke  
Paul G. Bjerke  
Chairman